

July 3, 1973

**Title 14—Federal Aviation Administration**  
[Docket 12956; Amdt. 139-2]

**PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS**

**Airports and Heliports Conducting Only Unscheduled Operations or Operations With Small Aircraft: Extension of Reporting Dates**

The purpose of this amendment to § 139.12 of Part 139 of the Federal Aviation Regulations (FARs) is to extend from July 5, 1973 to October 5, 1973, the time within which persons, who on May 20, 1973, were operating an airport or heliport serving a CAB-certificated air carrier conducting only unscheduled operations or operations with small aircraft, may apply for an extension of their airport operating certificate, and to extend the time for filing the reports required of holders of these certificates.

Part 139 of the Federal Aviation Regulations provides for the issuance of airport operating certificates for land airports serving CAB-certificated air carriers. As originally adopted, Part 139 was applicable only to land airports serving "scheduled" air carriers operating large aircraft (other than helicopters). Amendment 139-1 (38 F.R. 9795) published in the FEDERAL REGISTER on April 20, 1973, amended Part 139, effective May 21, 1973, to make it applicable to all airports serving air carriers certificated by the Civil Aeronautics Board. As noted in the preamble to Amendment 139-1, the FAA recognized that the additional airports that are required to comply with Part 139 by virtue of Amendment 139-1 would not be able to comply with all of the requirements of Part 139 before the May 21, 1973 effective date. The FAA had determined that those airports were able to conduct a safe operation, and that provisional airport operating certificates, subject to such terms, conditions and limitations as the Administrator finds are reasonably necessary to assure safety in air transportation, should be issued to those airports pending their compliance with Part 139. Accordingly a new § 139.12 was added to Part 139 which provisionally certificated for a period of 45 days (until July 5, 1973) airports and heliports which, on May 20, 1973, were serving CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft in order that they might continue to serve such air carriers pending compliance with Part 139. Section 139.12 also provides for the extension of that certification to May 21, 1974, upon the request of the airport operator prior to July 5, 1973, and compliance by the operator with the requirements of that section.

It now appears to the FAA that the 45-day provisional certification period provided in § 139.12 of Amendment 139-1 does not provide sufficient time for the operators of those airports to determine the extent to which they may not be in full compliance with Part 139 and the consequent need to apply for an extension of their provisional certificate. In

addition, the FAA believes that the operators of many small airports that only infrequently serve a CAB-certificated air carrier may not be aware that they are required to comply with Part 139. In this connection it should be noted that § 610(a)(8) of the Federal Aviation Act of 1958, as amended, makes it unlawful for any person to operate after May 20, 1973, an airport serving air carriers certificated by the Civil Aeronautics Board without an airport operating certificate or in violation of the terms of any such certificate.

In view of the foregoing and in order to assure that all airport operators who serve CAB-certificated air carriers have a reasonable time in which to comply with the requirements of Part 139, the FAA has determined that there is a need to extend from July 5, 1973, to October 5, 1973, the time within which the operators of airports provisionally certificated under § 139.12(a) may meet the requirements of § 139.12(b) in order to apply for an extension of that certificate to May 21, 1974. Consistent with this amendment and to assure compliance with the requirements of Part 139 by May 21, 1974, the dates on which an airport operator must comply with the reporting requirements of § 139(e)(2) and (3) need to be extended from September 1, 1973, and January 15, 1974, to November 1, 1973, and February 15, 1974, respectively.

Since this amendment is an extension of the effective dates of new requirements and imposes no additional burden on any person, I find that notice and public procedures thereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

(Secs. 313(a), 609, 610(a), and 612, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1429, 1430(a), and 1432; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

In consideration of the foregoing § 139.12 of Part 139 of the Federal Aviation Regulation is amended, as follows, effective July 4, 1973:

1. Paragraph (a) and (d) are amended by striking the date "July 5, 1973" and inserting in lieu thereof the date "October 5, 1973".

2. Paragraph (e)(2) is amended by striking the date "September 1, 1973" and inserting in lieu thereof the date "November 1, 1973".

3. Paragraph (e)(3) is amended by striking the date "January 15, 1974" and inserting in lieu thereof the date "February 15, 1974".

As amended § 139.12 of Part 139 reads as follows:

**§ 139.12 Issue of certificates for airports serving only unscheduled operations, or operations with small aircraft.**

(a) Notwithstanding any other provision of this Part, a person who on May 20, 1973, operated an airport or heliport which serves CAB-certificated air carriers conducting only unscheduled

operations or operations with small aircraft may continue to serve such air carriers and is certificated under this Part until October 5, 1973.

(b) An airport operator may obtain an extension of the certificate to May 21, 1974, if together with a request for such extension and delivery of the certificate, it submits to the appropriate Regional Director:

(1) The name and address of the airport, the airport owner, and the airport operator; and

(2) Its assurances that at least the level of safety current at the airport on May 21, 1973, will be maintained.

(c) An airport operating certificate issued under this section shall—

(1) Contain a provision that at least the current level of safety will be maintained at the airport, and such other terms, conditions or limitations that the Administrator may find necessary; and

(2) Be effective until May 21, 1974, unless sooner surrendered, suspended, revoked, or otherwise terminated for violation of the terms of the certificate.

(d) If a request for extension and delivery of an airport operating certificate issued under this section is not made before October 5, 1973, the certificate terminates on that date.

(e) The holder of a certificate issued under this section shall—

(1) Maintain at least the level of safety current at the airport on May 21, 1973;

(2) Submit to the appropriate Regional Director before November 1, 1973, a schedule for compliance showing how compliance with each requirement of this Part will be achieved, and any requests for exemptions from any of those requirements in accordance with Part 11 or § 139.19 of this Part; and

(3) Submit a status report to the appropriate Regional Director before February 15, 1974, showing to what extent compliance has been achieved.

Issued in Washington, D.C., on June 28, 1973.

ALEXANDER P. BUTTERFIELD,  
Administrator.

[FR Doc.73-13515 Filed 6-29-73;10:08 am]

AS